

REMARKS

Amendments

In response to the assertions presented in the Advisory Action, claim 7 is amended to expressly recite aspects of the claimed process. These amendments are clearly supported by the disclosure. See, for example, the disclosure at page 8, lines 7-18 that describes formation of the individual panels from a frame and a sheet metal and then connecting the resultant panels to from the walls of the enclosure. See also the discussion of prefabricated segments and Figures 4-6 at pages 9-10 wherein prefabricated segments of several panels are used to construct the enclosure.

These amendments do not raise a new issue, but instead relate to an issue previously discussed which the Examiner asserted was not properly reflected in the claims. The amendments overcome the alleged deficiencies argued in the Advisory Action and thus place the application in condition for allowance. Entry of the amendments is respectfully requested.

Rejection under 35 USC 103 in view of Goldstone et al. and GB 860,918

Claims 1-14 are rejected as allegedly being obvious in view of Goldstone et al. (US 6,360,545) in combination with GB 860,918. This rejection is respectfully traversed.

This rejection is traversed for the reasons of record. See, in particular, the traversal presented in the first Reply under 37 CFR 1.116 filed November 17, 2008.

In the Advisory Action issued December 16, 2008, it was asserted that applicants' prior arguments were not persuasive. Specifically, it was argued that applicants' claim 7 did not "clearly state that each panel has a separate frame." Applicants disagree. Prior claim 7 clearly recited that the several panels **each** "have a frame (3, 4) provided with and a sheet metal lining (8)." Claim 7 then recited that panels are positioned and connected to one another.

In any event, as noted above, claim 7 is amended to expressly recite aspects of the claimed process.

In view of the above remarks, it is respectfully submitted that the disclosure of Goldstone et al., taken alone or in combination with the disclosure of GB '918, fails to render

obvious applicants' claimed invention. Withdrawal of the rejection is respectfully requested.

Rejection under 35 USC 103 in view of Goldstone et al. and Scott

Claims 16-17 are rejected as allegedly being obvious in view of Goldstone et al. (US 6,360,545), GB 860,918, and Bardo et al. (US 5,236,625). This rejection is respectfully traversed.

Firstly, it is again noted that this rejection is applied against claims 16 and 17. However, only claims 1-16 are pending in the instant application. Thus, it is assumed that this rejection is being applied against claims 15-16, rather than claims 16-17.

In the rejection, the disclosure of Bardo et al. is relied on for a teaching of using round diagonal braces. Specifically, the rejection refers to reference numerals 221 and 223 of Bardo et al. See Figs 23 and 24.

As shown in Fig. 23, a diagonal suspension support 221 extends from a bracket 227 to a connection with wall panel 60. Suspension support 221 can be a steel rod or a prestressed cable. In Figure 24, a diagonal suspension support 223 extends from bracket 243 to a connection with bracket 249. Suspension support 223 can also be a steel rod or a prestressed cable. See column 12, lines 18-37

The disclosure of Bardo et al. is directed to a structural assembly that is adapted for use as a cooling tower. See column 1, lines 62-68. The rejection presents no rationale as to why one skilled in the cryogenic art would look to such a structural assembly for purposes of modifying an enclosure for containing a cryogenic unit, such as disclosed by Goldstone et al. Furthermore, particularly in light of the insulation bricks used in the walls of the enclosure of Goldstone et al., there is no need to employ diagonal suspension supports to improve rigidity in the Goldstone et al. enclosure.

In any event, the disclosure of Bardo et al. does not overcome the deficiencies discussed above in the combined disclosures of Goldstone et al. and GB '918.

In view of the above remarks, it is respectfully submitted that the disclosure of Goldstone et al., taken alone or in combination with the disclosure of GB '918 and/or Bardo et al., fails to render obvious applicants' claimed invention. Withdrawal of the rejection is respectfully requested.

Rejection under 35 USC 103 in view of Goldstone et al. and Scott

Claims 1-5 are rejected as allegedly being obvious in view of Goldstone et al. (US 6,360,545) in combination with Scott (US 2,181,074). This rejection is respectfully traversed.

All of the pending claims depend from process claim 7. Since this rejection is not applied against claim 7, the above amendments render the instant rejection moot. Withdrawal of the rejection is respectfully requested.

Rejection under 35 USC 103 in view of Goldstone et al. and Sharma et al.

Claims 1-5 are rejected as allegedly being obvious in view of Goldstone et al. (US 6,360,545) in combination with Sharma et al. (US 5,548,933). This rejection is respectfully traversed.

As noted above, all of the pending claims depend from process claim 7. Since this rejection is not applied against claim 7, the above amendments render the instant rejection moot. Withdrawal of the rejection is respectfully requested.

Rejection under 35 USC 103 in view of Goldstone et al. and Voegeli et al.

Claims 1-5, 7-10, and 12 are rejected as allegedly being obvious in view of Goldstone et al. (US 6,360,545) in combination with Voegeli et al. (US 4,739,597). This rejection is respectfully traversed.

The disclosure of Goldstone et al. is discussed above. Goldstone et al. do not disclose or suggest a process for construction of an enclosure comprising forming several panels, each of which comprises a frame and a sheet metal lining, and then connecting the panels to one another to form said enclosure.

Goldstone et al. also do not disclose a containment enclosure for containing a cryogenic unit wherein the walls of the enclosure are each lined with a sheet metal jacket made up of several panels, in which, in the direction of the height of the enclosure, the joints of the panels all have essentially the same distance from one another.

The disclosure of Voegeli et al. is unrelated to containment enclosures for cryogenic units. Instead, the disclosure of Voegeli et al. pertains to an enclosure that can be easily assembled and disassembled and is suitable as a facility for painting and drying automobiles.

See column 1, lines 29-44.

Thus, the disclosure of Voegeli et al. concerns buildings that can be moved or transported. A cryogenic plant such as disclosed by Goldstone et al. is normally not transportable. Buildings such as the type disclosed by Voegeli et al. do not face the demands that an enclosure for a cryogenic air separation plant has, e.g., to contain fine pulverized insulation material (such as perlite), to be gas tight, to resist cryogenic temperatures. Thus, one skilled in the art of cryogenic installations would not look to disclosures such as that of Voegeli et al. for purposes of constructing an enclosure for a cryogenics air separation plant.

As described at column 1, lines 42-64, the enclosure of Voegeli et al. has a pair of frames that are spaced apart in a longitudinal direction. Each frame includes a pair of upstanding portions and a connecting portion. The latter connects the upper ends of the upstanding portions. Each frame includes a receiver means, for example, in the form of channels. A plurality of wall panels is positioned longitudinally between the frames along the upright and connecting portions. Each wall panel has a first longitudinal end that mates with the channel of one frame and an opposite second longitudinal end that mates with the channel of the other frame.

However, Voegeli et al. do not disclose or suggest a process for construction of an enclosure comprising forming each of the side walls of the enclosure from several panels that each have a frame provided with a sheet metal lining. Nor does the Voegeli et al. disclosure suggest positioning such panels, each formed from a frame and a sheet metal lining, and then finally connecting the panels to one another.

It is respectfully submitted that one of ordinary skill in the art would not look to the enclosure of Voegeli et al. to modify a containment enclosure for housing a cryogenic unit such as described by Goldstone et al. Voegeli et al. provides no suggestion as to how one should insulate and isolate a cryogenic system, which is the concern of the Goldstone et al. disclosure. Furthermore, the combination of the Voegeli et al. and Goldstone et al. disclosures provides no suggestion of applicants' claimed process.

In view of the above remarks, it is respectfully submitted that Goldstone et al., taken alone or in combination with the disclosure of Voegeli et al., fails to render obvious applicants' claimed invention. Withdrawal of the rejection is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,
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